

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LOUIS ANTHONY WILBON,

Plaintiff,

v.

Case No. 10-14075
Honorable Patrick J. Duggan

PRISON HEALTH SERVICES, INC., et al.,

Defendants.

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**OPINION AND ORDER DENYING PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION**

Plaintiff filed this civil rights action against Defendants pursuant to 42 U.S.C. § 1983, contending that Defendants were deliberately indifferent to his medical needs in violation of the Eighth Amendment and conspired to interfere with his civil rights in violation of the Due Process Clause of the Fourteenth Amendment. Plaintiff filed a motion for preliminary injunction on February 24, 2011. The Court has referred this lawsuit to Magistrate Judge Mark A. Randon for all pretrial matters, including a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (Docs. 20, 21.)

On June 2, 2011, Magistrate Judge Randon issued an R&R recommending that this Court deny Plaintiff's motion. (Doc. 52.) At the conclusion of the R&R, Magistrate Judge Randon informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at 5-6.) On June 16, 2011, Plaintiff filed a pleading entitled

“Plaintiff’s Stipulation/Agreement to Dismissal/Recall of Plaintiff’s Motion for Preliminary Injunction as Defendants Have Reformed From Conduct Warranting Injunction and/or Objections Pursuant to 28 [U.S.C.] sec. 636(b)(1); Fed. R. Civ. P. 72(b).” (Doc. 53.) In his pleading, Plaintiff indicates that “Defendants have reformed from the violative conduct that prompted the preliminary injunction motion, i.e., (i) Plaintiff has been released from the infirmary/DWH; (ii) his access to law library restored, and (iii) swollen lymph node has improved.” (*Id.* at 1-2.) Although contending that Defendants continue to engage in other conduct violating his constitutional rights, Plaintiff states that “immediate harm [arising from this conduct] appears abated.” (*Id.* at 2.)

Based on Plaintiff’s representations, his motion for preliminary injunction is **DENIED.**¹

SO ORDERED.

Date: June 30, 2011

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

¹The Court finds it unnecessary to deny the motion “without prejudice,” as Plaintiff requests. If Plaintiff believes that a preliminary injunction is again needed, he can file a new motion setting forth the conduct at that time that he believes warrants relief.

Copies to:

Louis Anthony Wilbon, #162532
Gus Harrison Correctional Facility
2727 East Beecher St.
Adrian, MI 49221

Kimberley Koester, Esq.
Ronald Chapman, Esq.
Thomas Leonard, Esq.
Magistrate Judge Mark A. Randon